



**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**(Extending Expert Consultant Contract for Elmer M. Clark)**

**WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS,** the Tribal Council on December 6, 2004, adopted Resolution No. 12-2004-293 approving an expert consultant contract for Elmer M. Clark for three years and said contract was extended one year in late 2007, and said extension expired on December 31, 2008; and

**WHEREAS,** it is necessary that Elmer M. Clark's consultant contract be amended in the form attached hereto for one year to expire on December 31, 2009, so that he can finish the work in support of the Tribe's land claim; that he has submitted a draft report to Special Counsel Robert C. Brauchli for his review and comment before finalizing and presenting to the Tribal Council; and

**WHEREAS,** expert consultant Elmer M. Clark has been paid for his expert consultant services from BIA water rights litigation support funds to assist the White Mountain Apache Tribe in recovery of 16,355 acres of land erroneously surveyed out of the Executive Order boundaries of the Fort Apache Indian Reservation in 1887 due to survey errors of U.S. Deputy Surveyor Wallace; and

**WHEREAS,** future payments to Elmer M. Clark to complete his affidavit and catalogue of maps and documents in support of the Tribe's land claim will be dependent upon funding from federally funded sources and not Tribal funds; and

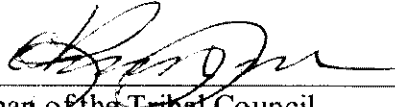
**WHEREAS,** the Tribal Council concludes that approval of the expert consultant contract extension between the Tribe and Elmer M. Clark, as attached hereto, is essential in order to complete the report and documents in support of the Tribe's land claim as described herein.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves an extension of the expert consultant contract between the Tribe and Elmer M. Clark for one year commencing January 1, 2009, and expiring on December 31, 2009, in conformity with the form and content of the contract extension attached and incorporated by reference herein.

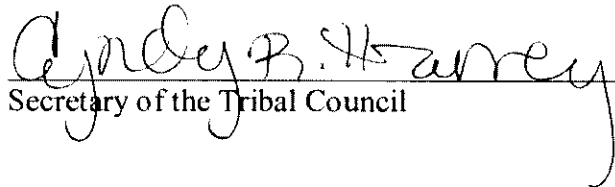
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and, in his absence, the Vice Chairwoman, to execute the attached contract extension.

**Resolution No. 05-2009-122**

The foregoing resolution was on May 1, 2009, duly adopted by a vote of EIGHT for, ZERO against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council